

LIZAMA_D.gar6

LEONARDO M. RAPADAS
United States Attorney
MARIVIC P. DAVID
Assistant U.S. Attorney
Sirena Plaza, Suite 500
108 Hernan Cortez Avenue
Hagåtña, Guam 96910-5059
TEL: (671) 472-7332
FAX: (671) 472-7215

Attorney's for United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 97-00023
Plaintiff,)
vs.)
DIONICIO REYES LIZAMA, JR.,)
Defendant,)

LUEN FUNG ENTERPRISE,)
Garnishee.)
)

**NOTICE TO DEFENDANT-
JUDGMENT DEBTOR ON HOW
TO CLAIM EXEMPTIONS**

NOTICE TO DEFENDANT-JUDGMENT DEBTOR
ON HOW TO CLAIM EXEMPTIONS FOR THE CNMI

The attached pre-judgment or post-judgment process has been issued on request of the
United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under federal law and your commonwealth law. There is no exemption solely because you are having difficulty paying your debts.

11

11

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

On the day of the hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

DATED this 12th day of September, 2006.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and the NMI

By: /s/ Marivic P. David
MARIVIC P. DAVID
Assistant U.S. Attorney
marivic.david@usdoj.gov

LIZAMA_D.gar6

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 97-00023
Plaintiff,)	
vs.)	
DIONICIO REYES LIZAMA, JR.,)	CLAIM FOR EXEMPTION FORM
Defendant,)	
LUEN FUNG ENTERPRISE,)	
Garnishee.)	

**CLAIM FOR EXEMPTION FORM
EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)**

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- 1. Wearing apparel and school books.--Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.
- 2. Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed **\$6,250** in value.
- 3. Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$3,125** in value.
- 4. Unemployment benefits.--Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
- 5. Undelivered mail.--Mail, addressed to any person, which has not been delivered to the addressee.

- 6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
- 7. Workmen's Compensation.--Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.
- 8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.
- 9. Certain service-connected disability payments.-- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under--(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.
- 10. Assistance under Job Training Partnership Act.
--Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act.
- 11. Minimum exemptions for wages, salary and other income. The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25 % of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

MAJOR EXEMPTIONS UNDER THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS LAW

NOTE: If you select the exemptions available under commonwealth law, the law of the commonwealth where you have been domiciled for the greater part of the last 180 days governs your rights.

Relevant provisions of the Commonwealth of the Marianas Code Title 7, Div. 4 § 4210 allow the following exemptions:

9. Debtor's Homestead

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

10. Personal Property - All necessary household furniture, cooking and eating utensils, and all necessary wearing apparel, bedding and provision for household use sufficient for four months.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	\$ _____

11. Necessities for Trade or Occupation - All tools, implements, utensils, two work animals, and equipment necessary to enable the person against whom the attachment or execution is issued to carry on his or her usual occupation.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	\$ _____

12. Land and interest in Land - All interests in land, but any interest owned solely by a judgment debtor, in his or her own right, may be ordered sold or transferred under order in aid of judgment if the Court making the order deems that justice so requires and finds as a fact that after the sale or transfer, the debtor will have sufficient land remaining to support himself or herself and those persons directly dependent on the debtor according to recognized local custom and the law of the Commonwealth. No person not of Northern Marianas descent may acquire any interest to such land, by sale, transfer, or otherwise, except as otherwise provided by law.

Amount Claimed: \$ _____

The statements made in this claim of entitlement to exemptions and the fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

Date

Signature of Defendant

Defendant's printed or typed name